



General Assembly

Substitute Bill No. 5825

January Session, 2009

* _____ HB05825GAE _____ 032509 _____ *

AN ACT ESTABLISHING A NO-FAULT PROVISIONAL BALLOT LAW.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 9-23r of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective from passage*):

3 (a) On or after January 1, 2003, any person who is applying, by mail,
4 to register to vote for the first time in this state may submit as part of
5 such voter registration application: (1) A copy of a current and valid
6 photo identification, (2) a copy of a current utility bill, bank statement,
7 government check, paycheck or government document that shows the
8 name and address of the voter, (3) a valid Connecticut motor vehicle
9 operator's license number, or (4) the last four digits of the individual's
10 Social Security number. Members of the armed forces and persons
11 entitled to use the federal post card application for absentee ballots
12 under section 9-153a are not required to provide identification when
13 registering by mail. No information submitted as part of a voter
14 registration application under this subsection shall be subject to
15 disclosure under the Freedom of Information Act pursuant to chapter
16 14, except for the name, address, date of birth and telephone number
17 of the applicant.

18 (b) If an individual submits such information pursuant to this
19 section as part of the individual's voter registration application and,
20 with respect to subdivision (3) or (4) of subsection (a) of this section,

21 the registrars of voters are able to match the information submitted
22 with an existing Connecticut identification record bearing the same
23 number, name and date of birth as provided, such individual shall not
24 be required to produce identification when voting in person or by
25 absentee ballot and may sign a statement as described in subparagraph
26 (B) of subdivision (2) of subsection (a) of section 9-261 in lieu of
27 presenting identification when voting in person.

28 (c) Any additional documentation submitted as part of the voter
29 registration application pursuant to this section may be destroyed by
30 the registrars of voters after verification pursuant to the Help America
31 Vote Act, P.L. 107-252, as amended from time to time.

32 (d) If an individual described in subsection (a) of this section does
33 not submit the identification described in subsection (a) of this section
34 as part of the individual's application for admission as an elector,
35 when the individual has entered the polling place in an election for
36 federal office, the individual shall present: (1) A current and valid
37 photo identification, or (2) a copy of a current utility bill, bank
38 statement, government check, paycheck or other government
39 document that shows the name and address of the voter. If an
40 individual does not meet the requirements of this subsection in an
41 election for federal office, such individual may cast a provisional ballot
42 prescribed under sections 9-232i to 9-232o, inclusive, as amended by
43 this act.

44 (e) If an individual described in subsection (a) of this section does
45 not submit the identification described in subsection (a) of this section
46 as part of the individual's application for admission as an elector, and
47 if the individual votes by absentee ballot in an election for federal
48 office, the individual shall enclose in the outer absentee ballot
49 envelope, and not in the inner envelope with the ballot: (1) A copy of a
50 current and valid photo identification, or (2) a copy of a current utility
51 bill, bank statement, government check, paycheck, or other
52 government document that shows the name and address of the voter.
53 If an individual does not meet the requirements of this subsection in an

54 election for federal office, such individual's absentee ballot shall be
55 processed in accordance with the provisions of subdivision (2) of
56 subsection (d) of section 9-150a, as amended by this act, and treated as
57 a provisional ballot [for federal office only,] pursuant to sections 9-232i
58 to 9-232o, inclusive, as amended by this act.

59 Sec. 2. Subsection (d) of section 9-150a of the general statutes is
60 repealed and the following is substituted in lieu thereof (*Effective from*
61 *passage*):

62 (d) (1) If the statement on the inner envelope has not been signed as
63 required by section 9-140a, such inner envelope shall not be opened or
64 the ballot removed therefrom, and such inner envelope shall be
65 replaced in the opened outer envelope which shall be marked
66 "Rejected" and the reason therefor endorsed thereon by the counters.
67 (2) If such statement is signed but the individual completing the ballot
68 is an individual described in subsection (a) of section 9-23r, as
69 amended by this act, and has not met the requirements of subsection
70 (e) of section 9-23r, as amended by this act, the counters shall replace
71 the ballot in the opened inner envelope, replace the inner envelope in
72 the opened outer envelope and mark "Rejected as an Absentee Ballot"
73 and endorse the reason for such rejection on the outer envelope, and
74 the ballot shall be treated as a provisional ballot [for federal offices
75 only,] pursuant to sections 9-232i to 9-232o, inclusive, as amended by
76 this act.

77 Sec. 3. Section 9-232i of the general statutes is repealed and the
78 following is substituted in lieu thereof (*Effective from passage*):

79 As used in this section and [sections] section 9-23r, as amended by
80 this act, [and 9-232l,] "election for federal office" means an election for
81 electors of President and Vice-President, an election or primary for
82 United States Senator and an election or primary for Representative in
83 Congress.

84 Sec. 4. Section 9-232j of the general statutes is repealed and the
85 following is substituted in lieu thereof (*Effective from passage*):

86 The moderator of the election in each voting district shall appear at
87 the office of the [town clerk] registrars of voters not later than eight
88 o'clock p.m. of the day before an election. [for federal office.] At such
89 time, the [town clerk] registrars of voters shall provide a provisional
90 ballot packet to such moderator or moderators. Each packet shall
91 include: (1) The appropriate number of provisional ballots [for federal
92 office provided by the Secretary of the State,] which shall be equal to
93 not less than one per cent of the number of electors who are eligible to
94 vote in the voting district served by the moderator, or such other
95 number as the [municipal clerk and the] registrars of voters agree is
96 sufficient to protect electors' voting rights, (2) the appropriate number
97 of serially-numbered envelopes prescribed by the Secretary, (3) a
98 provisional ballot inventory form, (4) a provisional ballot depository
99 envelope, and (5) other necessary forms prescribed by the Secretary.

100 Sec. 5. Section 9-232k of the general statutes is repealed and the
101 following is substituted in lieu thereof (*Effective from passage*):

102 The Secretary of the State shall prescribe [and provide to town
103 clerks] the provisional ballot which shall be [a] the regular ballot of
104 candidates. [for federal office.] The Secretary may prescribe that the
105 provisional ballot be the [overseas] ballot prepared under section [9-
106 158i] 9-135b.

107 Sec. 6. Section 9-232l of the general statutes is repealed and the
108 following is substituted in lieu thereof (*Effective from passage*):

109 (a) An individual may apply for and be issued a provisional ballot
110 for any primary or election if (1) the individual appears at the polling
111 place and declares that such individual is an elector in the town in
112 which the individual desires to vote and that the individual is eligible
113 to vote in the primary or election [for federal office] in the polling
114 place, but the name of the individual does not appear on the official
115 registry list for such polling place, and (2) the registrars determine that
116 such name cannot be restored under section 9-42 or transferred from
117 another polling place under section 9-35.

118 (b) If the moderator decides that an elector, whose name appears on
119 the registry list and who has been challenged pursuant to sections 9-
120 232 to 9-232f, inclusive, is not eligible to vote in the primary or election,
121 [for federal office,] such elector may apply for and cast a provisional
122 ballot upon the execution of a written affirmation by the elector at the
123 polling place affirming that the elector is qualified to vote in the
124 election or primary [for federal office] in the polling place and has
125 neither offered himself or herself to vote nor voted in person or by
126 absentee ballot at said election or primary [for federal office] at the
127 polling place.

128 (c) Such application for provisional ballot shall be prescribed by the
129 Secretary of the State, executed before an election official and include a
130 written affirmation, under penalty of false statement in absentee
131 balloting pursuant to section 9-359a, which shall be in the form
132 substantially as follows:

133 AFFIRMATION: I, the undersigned, do hereby state, under
134 penalties of false statement, that:

135 1. I am an elector in the town indicated.

136 2. I am eligible to vote in the election or primary indicated [for
137 federal office] today in the town and polling place indicated.

138 3.a. My name does not appear on the official list of eligible voters for
139 the polling place indicated, and the polling place officials called the
140 registrars of voters and were told that my name did not appear on the
141 active registry list for this town for at least one of the four years
142 previous or on one of the preliminary active registry lists for this year;
143 or

144 b. The moderator decided that I am not eligible to vote [for federal
145 office] in the town indicated for the reason of disfranchisement, lack of
146 identity, lack of bona fide residence or failure to present the prescribed
147 identification required for new electors after January 1, 2003, indicated.

148 4. My residence address is located in the voting district that this
149 polling place serves.

150 5. I have not voted and I will not vote otherwise than by this ballot
151 in person or by absentee ballot at this election or primary. [for federal
152 office.]

153 6. I apply for a provisional ballot. [for federal office.]

154 Sec. 7. Section 9-232n of the general statutes is repealed and the
155 following is substituted in lieu thereof (*Effective from passage*):

156 Immediately after the close of the polls, the moderator shall seal the
157 provisional ballot depository envelope and deliver such envelope to
158 the registrars of voters of the town. The registrars of voters shall
159 forthwith verify the information contained with each provisional
160 ballot. If the registrars of voters determine that the applicant is eligible
161 to [vote] be registered as a voter, they shall note their decision on the
162 outer envelope of the ballot and open and count the provisional ballot
163 in accordance with the provisions of sections 9-232i to 9-232o,
164 inclusive, as amended by this act, and procedures prescribed by the
165 Secretary of the State. If the registrars of voters are unable to determine
166 that the applicant is eligible to [vote] be registered as a voter or
167 determine that the applicant is not eligible to [vote] be registered as a
168 voter, the applicant's provisional ballot sealed envelope shall be
169 marked "rejected", along with the reason for such rejection, and signed
170 by the registrars of voters. The registrars of voters shall verify and
171 count all provisional ballots in their town not later than six days after
172 the election or primary. If the registrars determine that an applicant
173 has cast a provisional ballot in a voting district other than the one in
174 which the applicant was eligible to vote, the registrars of voters shall
175 only count the votes for the district or municipal offices representing
176 the district, municipality or political subdivision, as the case may be, in
177 which the voter resides. The registrars of voters shall forthwith
178 prepare and sign in duplicate a report showing the number of
179 provisional ballots received from electors, the number rejected and the

180 number counted, and showing the additional votes counted for each
 181 candidate for federal office on the provisional ballots. The registrars of
 182 voters shall file one report with the town clerk and shall seal one in the
 183 depository envelope with the provisional ballots and file such
 184 depository envelope with the town clerk. The depository envelope
 185 shall be preserved by the town clerk for the period of time required to
 186 preserve counted absentee ballots for federal elections. The head
 187 moderator shall forthwith file a corrected return for federal offices
 188 with the town clerk and the Secretary of the State showing (1) the final
 189 votes after any recanvass, pursuant to sections 9-311 to 9-311b,
 190 inclusive, the votes on provisional ballots and the totals, and (2) the
 191 number of provisional ballots received from electors, the number
 192 rejected and the number counted, as reported by the registrars of
 193 voters.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	9-23r
Sec. 2	<i>from passage</i>	9-150a(d)
Sec. 3	<i>from passage</i>	9-232i
Sec. 4	<i>from passage</i>	9-232j
Sec. 5	<i>from passage</i>	9-232k
Sec. 6	<i>from passage</i>	9-232l
Sec. 7	<i>from passage</i>	9-232n

Statement of Legislative Commissioners:

In subsection (d) of section 1, the brackets were removed from around "for federal office" for consistency with the general statutes and the intent of the committee.

GAE *Joint Favorable Subst.*